



Docket No.: 00152-00267-US  
FRIEL-104(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Provisional Application of:  
Tom Long, et al.

Conf. No.: 8519

Application No.: 10/774,329

Group Art Unit: 3742

Filed: February 5, 2004

Examiner: Not Yet Assigned

For: APPARATUS FOR BREWING BEVERAGES

**PETITION TO BE ACCORDED FILING DATE**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This petition is being filed in response to the "Notice of Omitted Item(s) in a NonProvisional Application" for the above identified case. The notice indicated that Figures 15 and 16 were omitted with the papers which were filed on February 5, 2004. Attached hereto is a copy of the notice along with those figures.

Applicants, however, submit that the application as originally filed on February 5, 2004, included all of the sheets of drawings, including the sheet of drawings containing Figures 15 and 16. Attached hereto is a copy of a return postcard submitted with the filing of the application. The postcard contains the PTO stamp date of February 5, 2004. In addition, the postcard has various handwritten information applied on behalf of applicants identifying the application and its contents. One of the items of contents which is checked is for drawings and specifically the drawings are identified as being six sheets. This corresponds to the total number of sheets of drawings wherein Figures 15 and 16 are on the sixth sheet.

Although it is not known why the sheet of drawings containing Figures 15 and 16 were not in the PTO copy of the application submitted on February 5, 2004, those drawings were

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included with the set of drawings submitted with the application on February 5, 2004, as confirmed by the attached copy of the postcard.

The Commissioner is hereby authorized to charge Deposit Account No. 03-2775 for the \$130.00 petition fee and any other fee necessary for this petition. If it is determined that the drawings which were thought to be omitted had been received by the U.S.P.T.O., it is requested that the petition fee be refunded.

In view of the above, it is respectfully requested that this application be accorded the filing date of February 5, 2004.

Dated: May 21, 2004

Respectfully submitted,

By   
Harold Pezzner  
Registration No.: 22,112  
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Attorney for Applicant



Application Number (or Serial Number): 10/774,329

Attorney Docket No.: 00152-00267 (FRIEL-104)

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

MS Missing Parts  
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P.O. Box 1450  
Alexandria, VA 22313-1450

on May 21, 2004  
Date

  
\_\_\_\_\_  
Signature

Shirley E. Brooks  
\_\_\_\_\_  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Petition to be Accorded Filing Date



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Serial/Int'l. No.: \_\_\_\_\_ Docket No.: Friel-104 Atty: HP/sb

Names: Tom Long, et al.

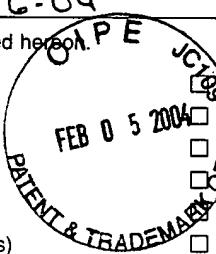
Title: Improved Apparatus ...

The following, due 2-6-04 in the U.S. Patent Office, has been received there on the date stamped hereon.

Declaration or  Oath  
 Power of Attorney  
 Specification  Claims  
 Preliminary Amendment  
 Assignment/Cover Sheet  
 Drawing(s) 6 sheet(s)  
 Priority Document(s)  
 Disclosure Statement (Rule 56/97)  
 PTO 1449 w/reference(s)  
 PTO 1533 Submission of Missing Parts

Check(s) \_\_\_\_\_  
 Amendment or Response  
 Declaration or Affidavit  
 Notice of Appeal  Brief  
CPA/DIV/CIP  
 Extension of Time  
 Issue Fee Transmittal  
 Prelim. Statement  Motion  
 Letter  
 Auth. to Charge Depo. Att.

CB307 1/98 OD





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/774,329	02/05/2004	Tom Long	FRIEL-104

CONFIRMATION NO. 8519

Connolly Bove Lodge & Hutz LLP  
 P.O. Box 2207  
 Wilmington, DE 19899-2207

## FORMALITIES LETTER



\*OC000000012559576\*

Date Mailed: 05/07/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 15 & 16 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required.

A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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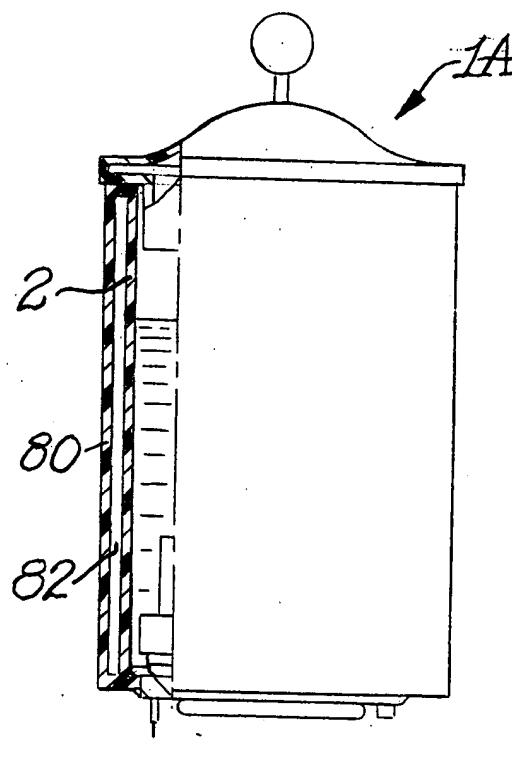
*A copy of this notice **MUST** be returned with the reply.*

T. Ketsela  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

*Fig. 15.*



*Fig. 16.*

